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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 TONY LAMAR CARD,
10 Plaintiff,
11 v.
12 TACOMA MUNICIPAL COURT, et al.,
13 Defendants.

9 CASE NO. 3:23-cv-5781-DGE
10 **ORDER ADOPTING REPORT
11 AND RECOMMENDATION**

13 This matter comes before the Court on the Report and Recommendation (“R&R”) of the
14 Honorable Grady J. Leupold, United States Magistrate Judge. (Dkt. No. 13.)

15 On August 29, 2023, Plaintiff filed an application to proceed *in forma pauperis*. (Dkt.
16 No. 1.) Plaintiff included with his application a proposed complaint. (Dkt. No. 1-1.) On
17 September 12, 2023, Plaintiff filed a proposed amended complaint. (Dkt. No. 4.) On October
18 17, 2023, Judge Leupold issued an order finding the proposed amended complaint was
19 incoherent and failed to meet the pleading requirements of Federal Rule of Civil Procedure 8.
20 (Dkt. No. 9 at 3.) Judge Leupold further noted Plaintiff supplemented his proposed complaint
21 with hundreds of pages of exhibits. (*Id.*; *see* Dkt. Nos. 4–6.) Judge Leupold determined the
22 additional proposed exhibits continued to raise concerns regarding the requirements of Federal
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1 Rule of Civil Procedure 8. (Dkt. No. 9 at 3.) Plaintiff was granted leave to file a new proposed
2 amended complaint to address the deficiencies noted. (*Id.*)

3 On November 20, 2023, Judge Leupold issued his R&R wherein he noted that Plaintiff
4 failed to file a new amended complaint. (Dkt. No. 13 at 2.) On December 4, 2023, Plaintiff
5 responded to the R&R by filing a 166 page “Affidavit of Truth.” (Dkt. No. 14.) As with his
6 prior proposed amended complaint, the “Affidavit of Truth” is difficult, if not impossible, to
7 follow. It fails to address the deficiencies outlined in Judge Leupold’s October 17, 2023 Order
8 and the R&R.

9 The Court, having considered *de novo* the R&R and the remaining record, does hereby
10 find and ORDER:

- 11 (1) The Report and Recommendation (Dkt. No. 13) is ADOPTED;
12 (2) Plaintiff’s Application to Proceed *In Forma Pauperis* (Dkt. No. 1) is DENIED
13 and the case is dismissed without prejudice; and
14 (3) The Clerk SHALL enter judgment and close this case.
15 (4) The Clerk SHALL forward a copy of this Order to Magistrate Judge Grady J.
Leupold.

16 **DATED** this 8th day of January, 2024.

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19 David G. Estudillo
United States District Judge
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